

REMARKS

FORMAL MATTERS:

Claims 1-15 are pending after entry of the amendments set forth herein.

No claims are canceled.

Claims 1, 8, 11, and 13 have been amended. Support for these amendments is found throughout the specification and figures. More specifically, support for amendments made in claims 1 and 11 can be found at least in Figs. 3A-C and corresponding description in the specification. (See also, application as filed; p. 7, ll. 19-21). Claims 8 and 13 have been amended to fix minor informalities.

New claims 14 and 15 have been added. Support for the amendment can be found throughout the specification and figures. More specifically, support for the amendment can be found at least in paragraphs 0026 and 0028 of the application as filed.

No new matter is added.

OBJECTIONS TO THE CLAIMS

Claims 1-13 are objected to because of informalities. As suggested by the Examiner, the specified term “of” in claim 1 has been deleted, and the specified term “agents” in claim 11 has been amended to recite “agent”. Applicant respectfully requests the objection to claims 1-13 be withdrawn.

REJECTIONS UNDER §112, ¶2

Claims 8-13 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Specifically, regarding claim 8, the Office Action states, “It is unclear how the layer of coupling agent is capable of being on at least one major surface of the backing, as recited in claim 1, when a substrate layer is interposed between the backing layer and the layer of the coupling agent, as recited in claim 8.” Applicant has amended claim 1 to recite “over at least one major surface” in place of “on at least one major surface”. Furthermore, regarding claims 11-13,

Applicant has amended claim 11 as suggested by the Examiner. Applicant respectfully submits that the rejections for claims 8-13 are overcome.

REJECTIONS UNDER §102

Claims 1-3 and 8-13 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Delonzor et al. '136 (cited by Applicant). Applicant respectfully submits that Delonzor does not teach all the limitations of claim 1-3 and 8-13, and thus does not anticipate claims 1-3 and 8-13.

Delonzor discloses a gel pad optical sensor. As shown in Fig. 1, the optical sensor has an emitter 24 and detector 26 on a cover layer 12, a cable 20 and traces 9 running to the emitter 24 and detector 26, an optical calibration impedance device 21, sensor device 22, a gel support layer 14 on the cover (with holes around the emitter 24 and detector 26), and a gel layer 15 on the gel support layer (also with holes around the emitter 24 and detector 26). The gel layer is not uniform but rather has holes within the layer where the emitter and detector are located. (*See, e.g., Delonzor; Fig. 1 and corresponding description*). The gel layer is a part of the optical device, and the optical device is attached to the tissue or body.

Delonzor does not disclose or even suggest a device configured such that an amount of a layer of coupling agent is useably transferrable to the surface of the tissue or the body part upon removal of the article from the tissue or the body part. Because the optical sensor includes the emitter and detector and gel layer, the gel layer remains a part of the optical sensor while the optical sensor is in use and attached to the body part. Thus, the gel layer is not useably transferrable from the optical sensor. It would be contradictory to remove the optical sensor and transfer an amount of the gel layer for use after the removal of the optical sensor from the tissue or body. Again, this is because the emitter, detector, and gel layer are part of the optical device and thus there is nothing to couple after the optical sensor is removed from the tissue or body.

In the spirit of expediting prosecution, and without conceding to the accuracy of the rejection, independent claim 1 has been amended to further recite, in part, that the article is configured such that an amount of the layer of coupling agent is useably transferrable to the surface of the tissue or the body part upon removal of the article from the tissue or the body part. Also in the spirit of expediting prosecution, and without conceding to the accuracy of the

rejection, independent claim 11 has been amended to further recite, in part, that upon the removing of the article, a specified amount of the layer of coupling agent is usably transferred to the surface of the tissue or the body part.

Therefore, for at least these reasons, Applicant respectfully submits that Delonzar does not disclose or suggest all the limitations of claims 1 and 11, and thus does not anticipate claims 1 and 11. Furthermore, claims 2-3, 8-10, and 12-13 ultimately depend from one of claims 1 and 11, and thus include all limitations of claim 1 or 11. Therefore, for at least the same reason as discussed above for claims 1 and 11, Delonzar does not anticipate claims 2-3, 8-10, and 12-13. Therefore, Applicant respectfully submits that claims 1-3 and 8-13 are in a condition for allowance.

REJECTIONS UNDER §103(A)

Claims 4-7 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Delonzor et al. '136. Claims 4-7 ultimately depend from claim 1, and thus include all limitations of claim 1. For at least the same reasons shown above for claim 1, Delonzar does not disclose or suggest all the limitations of claims 4-7 and does not render claims 4-7 obvious. Therefore, Applicant respectfully submits that claims 4-7 are in a condition for allowance for at least these reasons.

CONCLUSION

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number ADCI-180.

Respectfully submitted,
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